

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GARY ALLEN GOLDSMITH,

CV F 05-0444 LJO WMW HC

Petitioner,

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS RE MOTION TO  
DISMISS

v.

[Doc. [14](#), [27](#)]

A. K. SCRIBNER,

Respondent.

Petitioner is a prisoner proceeding with a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. Section 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On February 13, 2007, the Magistrate Judge filed findings and recommendations herein. These findings and recommendations were served on the parties and contained notice to the parties that any objections to the findings and recommendations were to be filed within thirty days. Petitioner filed objections on March 15, 2007.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)C) this court has conducted a de novo review of this case. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9<sup>th</sup> Cir. 1983). Having carefully reviewed the entire file, the court finds the findings and recommendations

1 to be supported by the record and by proper analysis.

2 Based on the foregoing, it is HEREBY ORDERED that:

- 3 1) Respondent's motion to dismiss is GRANTED;
- 4 2) Grounds 1,3, 4, 5, 6, and 7 are DISMISSED as barred by the statute of limitations;
- 5 3) Ground 2 is DISMISSED under Rule 4 for failure to state a claim;
- 6 4) The Clerk of the Court is directed to enter judgment for Respondent and close this case.

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9 IT IS SO ORDERED.

10 **Dated:** March 22, 2007  
b9ed48

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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